

ZB# 85-17

Dominick Agnello

21-2-21

#85-17 - Agnello, Dominick

Prelim. meeting:
4/8/85.

Public Hearing
April 22, 1985

Notice to Seize
on 4/10/84.

OCD notified
4/10/85 ✓

(Application
for frontyard
variance
approved).
on 4/22/85.

General Receipt

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, N. Y. 12550

6528

May 15 1985

Received of Dominick Agnello \$ 25⁰⁰/₁₀₀ DOLLARS

For Zoning ad. application fee 85-17

FUND	CODE	AMOUNT
25.00 Cash		

By Pauline G. Townsend
Town Clerk
Title



TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

85-17.

Date: 4/12/85.

I. Applicant Information:

- (a) DOMINICK AGNELLO, 7 Pat Road, Newburgh, N.Y. - x
(Name, address and phone of Applicant) (Owner)
- (b) n/a
(Name, address and phone of purchaser or lessee)
- (c) n/a
(Name, address and phone of attorney)
- (d) n/a
(Name, address and phone of broker)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Special Permit

III. Property Information:

- (a) R-4 Rosemary Lane, New Windsor 21-2-21 98'x 143'
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.?
- (c) Is a pending sale or lease subject to ZBA approval of this application? no
- (d) When was property purchased by present owner? 1984
- (e) Has property been subdivided previously? yes When? 1974
- (f) Has property been subject of variance or special permit previously? no When? -
- (g) Has an Order to Remedy Violation been issued against the property by the Zoning Inspector? yes - 4/8/85
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: no

IV. Use Variance:

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____

- (b) The legal standard for a "Use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Bulk Regs., Col. 6.

Requirements	Proposed or Available	Variance Request
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd. <u>35 ft.</u>	<u>20 ft.</u>	<u>15 ft.</u>
Reqd. Side Yd. <u>/</u>	<u>/</u>	<u>/</u>
Reqd. Rear Yd. _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____

* Residential Districts only

** Non-residential districts only

- (b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also, set forth any efforts you have made to alleviate the difficulty other than this application.

In order to stay with the continuity of the neighboring residential dwellings, applicant desires to construct the residence in line with the other houses. The existing cul-de-sac at the end of Rosemary Lane reduces the frontyard by 15 ft.

VI. Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

	Requirements	Proposed or Available	Variance Request
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
Sign 5	_____	_____	_____
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Special Permit:

- (a) Special Permit requested under New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.
- (b) Describe in detail the use and structures proposed for the special permit.

VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

The residence as proposed will be of brick veneer construction in conformance with the neighboring properties.

IX. Attachments required:

- x Copy of letter of referral from Bldg./Zoning Inspector.
- x Copy of tax map showing adjacent properties.
- x Copy of contract of sale, lease or franchise agreement.
- x Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
- n/a Copy(ies) of sign(s) with dimensions.
- x Check in the amount of \$25.00 payable to TOWN OF NEW WINDSOR.
- x Photos of existing premises which show all present signs and landscaping.

X. AFFIDAVIT

Date April 10, 1985

STATE OF NEW YORK)
COUNTY OF ORANGE) SS.:

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

James J. Spella
(Applicant)

Sworn to before me this

10th day of April, 19 85.

Patricia Delio

PATRICIA DELIO
NOTARY PUBLIC, State of New York
No. 5970778
Qualified in Orange County
Commission Expires March 30, 1987

XI. ZBA Action:

(a) Public Hearing date _____.

(b) Variance is _____.

Special Permit is _____.

(c) Conditions and safeguards: _____

A FORMAL DECISION WILL FOLLOW
WHICH WILL BE ADOPTED BY
RESOLUTION OF ZONING BOARD OF APPEALS.

Pat.

Notice Of Public Hearing

PUBLIC NOTICE OF HEARING
BEFORE

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the
Zoning Board of Appeals of the
TOWN OF NEW WINDSOR, New
York will hold a Public Hearing
pursuant to Section 48-34A of the
Zoning Ordinance on the follow-
ing proposition:

Appeal No. 17

Request of DOMINICK AG-

NELLO for a VARIANCE of the

regulations of the Zoning Ordinance to permit construction of

one-family residential dwelling

with insufficient front yard be-

ing a VARIANCE of Section

48-12 Table of Bulk Regula-

tions - Col. 6 for property situ-

ated as follows:

Rosemary Lane (Lot #14), Town

of New Windsor, New York

Known and designated as Sec-

tion 21, Block 2, Lot 21.

SAID HEARING will take place

on the 22nd day of April, 1985, at

the New Windsor Town Hall, 555

Union Avenue, New Windsor,

N.Y. beginning at 7:30 o'clock

p.m.

DANIEL P. KONKOL

Chairman

By: Patricia Delio,

Secretary

State of New York

County of Orange, ss:

Everett W. Smith, being duly sworn

disposes and says that he is

Publisher of the E.W. Smith

Publishing Company, Inc. publisher

of The Sentinel, a weekly newspaper

published and of general circulation

in the Town of New Windsor, and that

the notice of which the annexed is

a true copy was published ONCE

in said newspaper, commencing on

the 11th day of April A.D., 1985

and ending on the 11th day of April

A.D. 1985

Subscribed and shown to before me

this 31st day of May, 1985

Patricia Delio

Notary Public of the State of New York
County of Orange.

My commission expires 3/30/87

PATRICIA DELIO
NOTARY PUBLIC, State of New York
No. 5970775
Qualified in Orange County
Commission Expires March 30, 1987



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

(34)

Masloski, Joseph M. ✓
24 Lannis Avenue ✓ 8741 889 007.
New Windsor, N. Y.

Consolidated Rail Corp. ✓
6 Penn Center Plaza ✓ 8741 889 008.
Philadelphia, Pa 19103

Town of New Windsor ✓
555 Union Avenue 009.
New Windsor, N. Y.

Maraday, Joseph & Edith 010
Rosemary Lane
New Windsor, N. Y.

Rizzuto, John Jr. & Mary E.
Rosemary Lane ✓ 011
New Windsor, N. Y.

Perez, Manuel and Emilia 012
Rosemary Lane ✓
New Windsor, N. Y.

Trabucco, Remo & Pacifica
Rosemary Lane ✓ 013
New Windsor, N. Y.

Sossi, Edward J. & Marie
Rosemary Lane ✓ 014
New Windsor, N. Y.

Slyne, Donald J. ✓
5 Franklin Avenue 015.
New Windsor, N. Y.

Krevens, John & Caroline
260 Union Avenue ✓ 016
New Windsor, N. Y.

Grillo, Salvatore & Maria
256 Union Avenue ✓ 017
New Windsor, N. Y.

Rizzuto, Rose ✓
250 Union Avenue 018.
New Windsor, N. Y.

Borchert, Ernest J. & Robert
Lattintown Road ✓
Marlboro, N. Y. 12542 019.

Hurd, Francis & Mary K.
269 Union Avenue ✓ 020
New Windsor, N. Y.

Sadler, Ronald E. & Marie
267 Union Avenue ✓
New Windsor, N. Y. 021

Sadler, Ronald & Helen I.
263 Union Avenue ✓
New Windsor, N. Y. 022

County of Orange ✓
Commissioner of Finance
Goshen, N. Y. 10924 023

Rizzuto, John B. & Mary C.
1 Elm Street ✓
New Windsor, N. Y. 12550 024

King, Alex & Irene ✓
4 Elm Street 025
New Windsor, N. Y.

Robertson, Jo Ann ✓
3 Elm Street 026
New Windsor, N. Y. 12550

Edgar, William & Marcella
251 Union Avenue ✓ 027
New Windsor, N. Y.

McQuiston, John & Mary
254 Union Avenue ✓ 028
New Windsor, N. Y.

Mazzarella, Giosue, & Joyce M.
261 Union Avenue ✓ 029
New Windsor, N. Y.

Walsh, Jerome & Mary ✓
223 Oak Street 030
New Windsor, N. Y.

Bliss, Edna V. ✓
225 Oak Street 031
New Windsor, N. Y.

McNeil, Albert M. ✓
227 Oak Street 032
New Windsor, N. Y. 12550

Bilyou, George M. & Delores
241 Union Avenue ✓ 033
New Windsor, N. Y.

Flamholtz, Michael & Karen
206 Cambridge Court ✓
New Windsor, N. Y. 034

Allessandro, John & Pat ✓
205 Cambridge Court 035
New Windsor, N. Y.

Terrizzi, Michael & Gianna
Franklin Avenue ✓
New Windsor, N.Y. 036

Paratore, Salvatore & Irene
Apartment 304
1335 East Harvard Street 037
Glendale, CA

White, Joseph & Dolores
1 Franklin Avenue ✓ 038
New Windsor, N. Y.

Freeman, Michael & Rhonda
264 Union Avenue ✓ 039
New Windsor, N. Y.

Patricia Delio ✓
7 Franklin Avenue 040
New Windsor, N. Y.

NEW WINDSOR ZONING BOARD OF APPEALS

-----x

In the Matter of the Application of

DOMINICK AGNELLO

DECISION GRANTING AREA
VARIANCE

85-17.

-----x

WHEREAS, DOMINICK AGNELLO of 7 Pat Road, Newburgh,
New York, has made application before the
Zoning Board of Appeals for an area variance for the purposes of:
construction of a one-family residential dwelling on Rosemary Lane (R-4);
and

WHEREAS, a public hearing was held on the 22nd day of
April, 1985 before the Zoning Board of Appeals at the Town Hall,
New Windsor, New York; and

WHEREAS, the applicant: appeared in behalf of himself
_____ ; and

WHEREAS, the application was unopposed ; and

WHEREAS, the Zoning Board of Appeals of the Town of New
Windsor makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents
and businesses as prescribed by law and published in The Sentinel, also
as required by law.

2. The evidence shows: that when applicant purchased the
property he was informed that there was a cul-de-sac in front of the
lot which cut off approximately 20 ft. of frontyard.

3. The evidence shows that applicant intends of construct
the residential dwelling in line with the other residential structures
on Rosemary Lane

WHEREAS, the Zoning Board of Appeals makes the following findings of law in this matter:

1. The evidence shows that the applicant will encounter practical difficulty if the area variance requested is not granted.

2. The proposed variance will not result in substantial detriment to adjoining properties or change the character of the neighborhood.

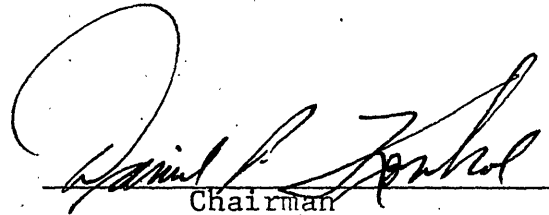
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor grant a 15 ft. frontyard variance to Applicant AGNELLO in accordance with plans submitted at the public hearing.

BE IT FURTHER,

RESOLVED that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: May 13, 1985 .


Chairman

cc: Dominick Agnello



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

Date: 4/24/85

Mr. Dominick Agnello
7 Pat Road
Newburgh, N. Y. 12550

RE: APPLICATION BEFORE THE ZONING BOARD OF APPEALS
#85-17

Dear Mr. Agnello:

This is to confirm that your above application before the New Windsor Zoning Board of Appeals was granted at the April 22, 1985 public hearing.

A formal decision will be drafted and acted upon at a later date. You will be receiving a copy of same by return mail.

Meanwhile, if you have any questions, please do not hesitate to call.

Very truly yours,

PATRICIA DELIO,
Secretary to ZBA

/pd

cc: Building/Zoning Officer
Town Planning Board

TOWN OF NEW WINDSOR
ORANGE COUNTY, N. Y.
OFFICE OF ZONING - BUILDING INSPECTOR

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No.2698.....

Date April 8....., 19..85.

ToDominick Agnello.....

.....Remo Trabucco.....

.....4..Rosemary Lane, New Windsor
12550

PLEASE TAKE NOTICE that your application datedMarch..20....., 19..85.

for permit toBuild one family frame dwelling.....

at the premises located at ...Rosemary - side of right.....

.....
is returned herewith and disapproved on the following grounds:

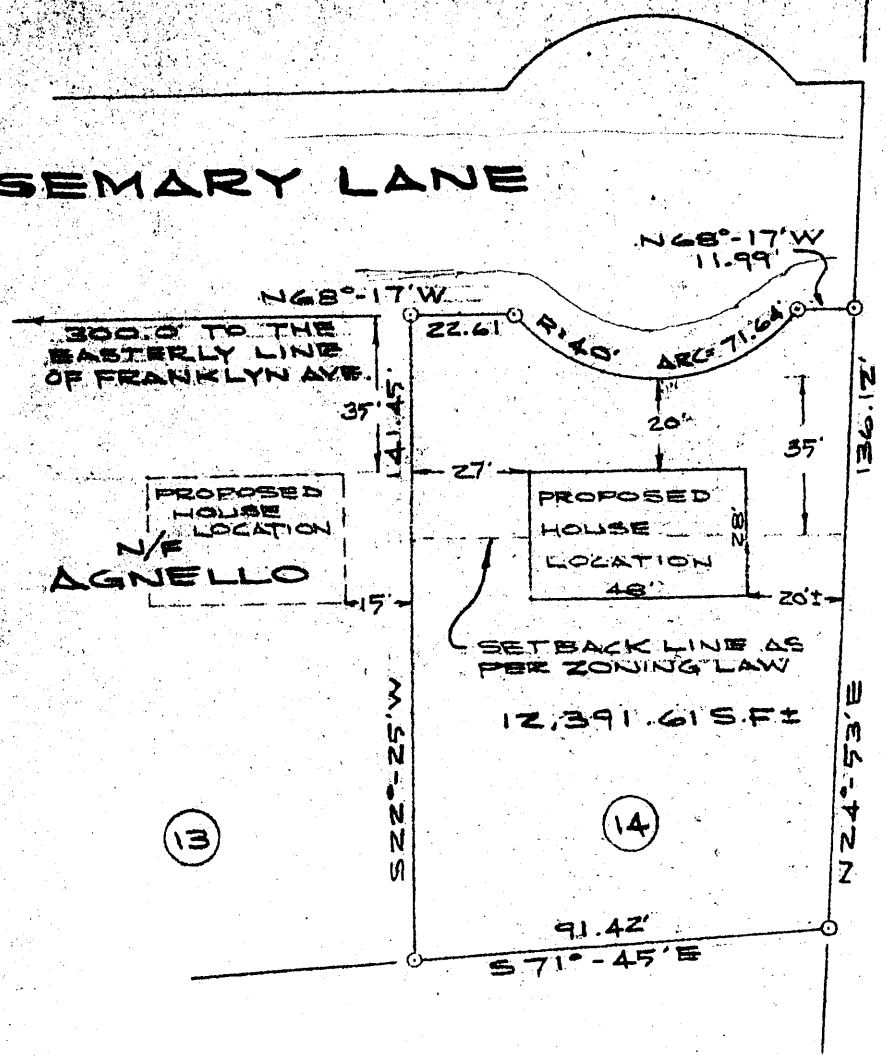
.....Front yard set-back too short.....

.....It's 20' and it should be 35'.....

.....
Paul V. Cuomo P.E.
TOWN ENGINEER FOR
.....
Building Inspector

NOT FOR FILE
NYS 100-100

ROSEMARY LANE



TOWN OF NEW WINDSOR

PLOT PLAN

LOT #14

GREEN ACRES SUBDIVISION

TOWN OF NEW WINDSOR ORANGE COUNTY, N.Y.

DATE: 3-22-85

SCALE: 1"=40'

TAX MAP DATA:
SEC. 21 BLK. 2 LOT 21

DEED OF RECORD:
LIBER 2312 PAGE 35

I HEREBY CERTIFY TO THE PARTIES LISTED BELOW THAT THE MAP SHOWN IS FROM A SURVEY DONE BY ME AND IS TRUE AND CORRECT AS STATED.

DOMINICK AGNELLO

REVISED: 4-5-85

PREPARED BY:
VINCENT J. DOLE, P.L.S.
SURVEYORS & PLANNERS
15 NEW ROAD NEWBURGH, N.Y.



Memo FROM: ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE NEW WINDSOR, NEW YORK 12550

TO:

TOWN PLANNING BOARD
TOWN BUILDING/ZONING OFFICER

DATE: 4/12/85

SUBJECT: PUBLIC HEARING BEFORE ZBA - 4/22/85

---FOLD HERE---

Please be advised that there is one (1) public hearing scheduled to be heard before the Zoning Board of Appeals on the evening of April 22, 1985:

Application for frontyard variance of
DOMINICK AGNELLO

I have attached hereto copy of pertinent application together with legal notice which was published in The Sentinel.

Patricia Delio, Secretary

/pd
Attachments: (2)

by _____

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals
of the TOWN OF NEW WINDSOR, New York will hold a
Public Hearing pursuant to Section 48-34A of the
Zoning Ordinance on the following proposition:

Appeal No. 17

Request of DOMINICK AGNELLO

for a VARIANCE ~~SPECIAL PERMIT~~ of
the regulations of the Zoning Ordinance to
permit construction of one-family residential
dwelling with insufficient front yard

being a VARIANCE ~~SPECIAL PERMIT~~ of
Section 48-12 - Table of Bulk Regulations-Col. 6
for property situated as follows:

Rosemary Lane (Lot #14), Town of New Windsor,
New York, known and designated as Section 21,
Block 2, Lot 21

SAID HEARING will take place on the 22nd day of
April, 1985, at the New Windsor Town Hall,
555 Union Avenue, New Windsor, N. Y. beginning at
7:30 o'clock P. M.

DANIEL P. KONKOL
Chairman